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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/879,710	
	Filing Date	June 12, 2001	
	First Named Inventor	BATES, James N.	
	Art Unit	1654 ✓	
	Examiner Name	MELLER, Michael V.	
Total Number of Pages in This Submission	15	Attorney Docket Number	P04852US0

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Edmund J. Sease, Reg. No. 24,741 McKee, Voorhees & Sease, P.L.C.
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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Bates et al.
SERIAL NO : 09/879,710
FILED : June 12, 2001
TITLE : S-Methylcysteine, S-Ethylcysteine, and Related S-Alkylthiols as Antagonists to the Effects of S-Nitrosothiols and Nitric Oxide

Grp./A.U. : 1654
Examiner : MELLER, Michael V.
Conf. No. : 3776
Docket No. : P04852US0

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PETITION FOR WITHDRAWAL OF ABANDONMENT

PETITION

1. Applicant petitions that the abandonment set forth in the notice mailed by the Office on October 2, 2003 be withdrawn.

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2. Submitted herewith is:

☐ A copy of the page of the response mailed on _____ showing a Certificate of Mailing executed on _____.

☒ A copy of the Auto-Reply Fax Transmission sent on April 14, 2003.

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Date: Oct 24, 2003

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☐ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1651 at Fax No. (703) 872-_____.

Edmund J. Sease

- ☒ A copy of the complete response previously filed.
- ☐ A copy of the cancelled check(s) referring to the response identified above.
- ☐ A copy of the attorney's Deposit Account Statement in which the item corresponding to the response referred to above is checked.

3. Please proceed with further examination of this application on the basis of:
- ☐ The original papers filed, which have now reached the appropriate area of the PTO.

AND/OR

- ☒ The attached copy of the papers originally filed.

PETITION FEE

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4. The petition fee (37 CFR 1.17(h)) is paid as follows:

- ☐ Check in the sum of \$130.00.
 - ☒ Charge Account 26-0084 the sum of \$130.00.
- A duplicate of this paper is attached.

REQUEST FOR REFUND OF PETITION FEE

5. ☒ As no defect exists in applicant's previous submission, a refund of the petition fee submitted herewith is respectfully requested.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgement of the active status of this application is respectfully requested.

Respectfully submitted,



Edmund J. Sease, Reg. No. 24,741
 McKEE, VOORHEES & SEASE, P.L.C.
 801 Grand Avenue, Suite 3200
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MCKEE VOORHEES & SEASE, P.L.C.
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ATTORNEYS AT LAW

301 GRAND AVENUE • SUITE 2200 • DALLAS, TEXAS 75201-2721
PHONE: 214-760-1667 • FAX: 214-760-1338 • www.jvsa.com

DATE: February 21, 2003

TO: Technology Center 1600 (Art Unit 1654)
Attention Assistant Commissioner for Patents

COMPANY: United States Patent and Trademark Office

FAX: (703) 872-9306

FROM: Edmund J. Sease

NUMBER OF PAGES (including cover): 8

COMMENTS: Please see the attached regarding the below-captioned application. Thank you.

APPLICANT: BATES, James N.
SERIAL NO: 09/979,710
FILED: June 10, 2001
TITLE: S-METHYLCYSTEINE, S-ETHYLCYSTEINE, AND
RELATED S-ALKYLTHTIOLS AS ANTAGONISTS
TO THE EFFECTS OF S-NITROSOTHTIOLS AND
NITRIC OXIDE

Grp./A.U.: 1654
Examiner: MELLER, Michael V.
Conf. No.: 3776
Docket No.: P04852US0

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NITRIC OXIDE

MCKEE, VOORHEES & SEASE, PLC
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ATTORNEYS AT LAW

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PHONE: 515-288-3667 • FAX: 515-288-1338 • www.ipmvs.com

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NITRIC OXIDE

Grp./A.U.: 1654
Examiner: MELLER, Michael V.
Conf. No.: 3776
Docket No.: P04852US0

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : BATES, JAMES N.
SERIAL NO : 09/879,710
FILED : JUNE 12, 2001
TITLE : S-METHYLCYSTEINE, S-ETHYLCYSTEINE, AND RELATED S-
ALKYLTHIOLS AS ANTAGONISTS TO THE EFFECTS OF S-
NITROSOTHIOLS AND NITRIC OXIDE

Grp./A.U. : 1654
Examiner : MELLER, MICHAEL V.
Conf. No. : 3776
Docket No. : P04852US0

AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Sir:

In response to the Office Action dated January 14, 2003, please amend the above-
identified application as follows:

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Assistant Commissioner for Patents,
Washington, D.C. 20231.

FACSIMILE

☒ transmitted by facsimile to the
Patent and Trademark Office (703) 872-9306.

Date:

April 14, 2003

EDMUND J. SEASE



In the Claims

Please amend claims 2-4, and 7-8 and add new claim 9 as follows:

2. (Amended)

The method of claim 9 wherein the S-alkylthiol is selected from the group consisting of S-ethylcysteine, S-methylcysteine, S-methylcysteamine, S-ethylcysteamine, S-ethylglutathione, S-methylglutathione, S-methylcoenzyme A, and S-ethylcoenzyme A.

3. (Amended)

The method of claim 9 where in the S-alkylthiol is selected from the group consisting of S-ethyl-L-cysteine, S-methyl-L-cysteine, S-ethylglutathione, S-methylglutathione, S-methylcysteamine, S-ethylcysteamine, S-methylcoenzyme A and S-ethylcoenzyme A.

4. (Amended)

The method of claim 9 wherein the S-alkylthiol is a pharmaceutically acceptable salt form.

7. (Twice Amended)

The method of claim 9 wherein the administration is intravenously.

8. (Twice Amended)

The method of claim 9 wherein the dose ranges from about 100 mg to about 10 g.

9. (New)

A method of treating hypotension comprising:

diagnosing hypotension in a patient;

administering to a patient a therapeutically effective amount of an S-alkylthiol as an antagonist of
S-nitrosothiols; and

observing the effect of the S-alkylthiol on the hypotension.

REMARKS

Amended claim 2 finds support in the specification on p. 3, line 6. New claim 9 finds support in the specification on p. 5, lines 1-17. Treating the disease presupposes diagnosing the condition and necessarily includes observing the effect of the drug on the hypotension.

Claim 1, 3, and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Meisner. Claim 1 is cancelled. Claims 3 and 8 are amended to depend on new independent claim 9. Meisner does not anticipate claim 9. Specifically, the limitations "diagnosing hypotension in a patient" and "observing the effect of the S-alkylthiol on the hypotension" are not disclosed in Meisner. Meisner makes no connection between S-alkylthiols and hypotension treatment. In fact, Meisner makes no mention of hypotension.

Claims 1-8 were rejected under 35 U.S.C. § 103 as obvious over Meisner taken with Joullie et al. and the Chemical Abstracts Registry file print. Claim 1 is cancelled. Claims 2-4 and 7-8 are amended to depend on new independent claim 9. Meisner, Joullie et al. and the Chemical Abstracts Registry file print do not render claims 2-9 obvious. Specifically, the limitations "diagnosing hypotension in a patient" and "observing the effect of the S-alkylthiol on the hypotension" are not disclosed in Meisner, Joullie et al. and the Chemical Abstracts Registry file print. The references make no connection between S-alkylthiols and hypotension treatment. In fact, the references make no mention of hypotension. Meisner is directed towards wound healing and Joullie et al. is directed towards a laundry list of complaints (col.12, lines 1-15), none of which is hypotension.

Based on the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance at this time, as they are patentably distinguishable over the prior art.

Accordingly, reconsideration of the application and passage to allowance is respectfully submitted.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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In the Claims

2. (Amended)

The method of claim ~~1~~ 9 wherein the S-alkylthiol is selected from the group consisting of S-ethylcysteine, S-methylcysteine, S-methylcysteamine, S-ethylcysteamine, S-ethylglutathione, S-methylglutathione, S-methylcoenzyme A, and S-ethylcoenzyme A.

3. (Amended)

The method of claim ~~1~~ 9 where in the S-alkylthiol is selected from the group consisting of S-ethyl-L-cysteine, S-methyl-L-cysteine, S-ethylglutathione, S-methylglutathione, S-methylcysteamine, S-ethylcysteamine, S-methylcoenzyme A and S-ethylcoenzyme A.

4. (Amended)

The method of claim ~~1~~ 9 wherein the S-alkylthiol is a pharmaceutically acceptable salt form.

7. (Twice Amended)

The method of claim ~~1~~ 9 wherein the administration is ~~parenterally~~ intravenously.

8. (Twice Amended)

The method of claim ~~1~~ 9 wherein the dose ranges from about ~~1~~ 100 mg to about 10 g.

9. (New)

A method of treating hypotension comprising:

diagnosing hypotension in a patient;

administering to a patient a therapeutically effective amount of an S-alkylthiol as an antagonist

of S-nitrosothiols; and

observing the effect of the S-alkylthiol on the hypotension.